

REZONING AND SPECIAL USE PERMIT PROCEDURE

If the use intended for your property is not permitted as a matter of right in the Zoning Ordinance, you will need to apply for a rezoning or a special use permit.

REZONING: A rezoning is required if your proposed use is permitted neither by right nor as a special use under your property's current zoning classification. If you wish to apply reasonable conditions in addition to the regulations of your desired zoning classification, you may submit these "proffers" in writing with your application. Typically, proffers relate to such things as use restrictions, timing/phasing of development, off-site improvements, additional aesthetic features, capital contributions and similar items not a part of the normal plan approval process.

SPECIAL USE PERMIT: Some uses, because of their unique nature or their impact on adjacent land uses, are not permitted by right, but may, under certain conditions be deemed acceptable in certain locations. If such is the case with the use you have proposed for your property, a special use permit is required. The Zoning Ordinance specifically identifies those uses that require a special use permit in each zoning district.

Note: In some cases both a rezoning and a special use permit may be necessary.

PROCEDURE

STEP 1

For Rezoning and Special Use Permit applications, schedule a meeting or call a staff member of the **Community Development Department**. The office is located in the Rockingham County Government Center, 20 East Gay Street, Harrisonburg.

Phone: (540) 564-3030

Points you should cover during the meeting:

1. Check ZONING MAP to determine current zoning of subject property.
2. Check ZONING ORDINANCE to determine if proposed use is permitted by right or by special use permit.
3. Obtain: application(s), and Schedule of Planning Commission and Board of Supervisors meetings (including deadlines for submissions).
4. Discuss best approach for obtaining approval of proposed activities.

STEP 2

Complete application(s) and submit with fee as soon as possible before deadline. Rezoning applications and Special Use Permit applications should be sent to the **Community Development Department**. Attention to detail is important. Information on applications must be complete and correct and checks must be for correct amounts. Don't miss the deadline. If you have any questions call and ask. The staff will determine if the application is complete and, if so, will begin the review process by distributing it for review to a number of County and state agencies. Public notice of the proposed action is prepared and sent to the local newspaper and to adjacent property owners, and signs are posted on the property. When comments have been returned, the **Community Development Department** prepares an analysis and recommendation for the Planning Commission and/or Board of Supervisors.

STEP 3 (Not required for Special Use Permits)

Attend Planning Commission Public Hearing. The staff will present the application and its recommendation. The applicant or applicant's agent can present additional information including a description of the proposed use, maps, plans and architectural renderings. Other area property owners and interested parties are allowed to speak. The Planning Commission will make a decision after discussion of the case. It may make one of the following recommendations (advisory only) to the Board of Supervisors:

- Approval as submitted
- Approval subject to certain conditions or revisions
- Denial, or
- Table the application to a future meeting

Since failure to act within ninety (90) days results in an automatic recommendation of approval, the Commission will likely recommend denial if there continue to be unresolved issues. The ninety (90) day deadline does not apply when the applicant requests or concurs in a delay.

STEP 4

Attend Board of Supervisors Public Hearing. The next step is a hearing before the Board of Supervisors where the prior notice and meeting procedures are basically the same as the Planning Commission. The Board will receive a recommendation from the County Staff as well as the Planning Commission (these recommendations are not always the same) and hear public comments. The Board will take final action after discussion of the information presented during the public hearing and the recommendations of the County Staff and Planning Commission.

The Board will:

- Approve as submitted
- Approve with conditions or revisions (use permits or conditional zoning)
- Deny, or
- Table it to a later meeting
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The Board must take action within one (1) year of the date a rezoning petition was filed.

STEP 5

Proceed with design of project, assuming approval. (See "Site Plan Procedure" or "Subdivision Procedure")

TIME: A minimum of sixty (60) to ninety (90) days, after the application deadline, is needed to complete this process if the application is not delayed by the applicant or deferred by the Commission or Board.

TERM: Special use permits are generally approved for an initial one (1) year period which can be renewed for an additional one (1) year period if the applicant notifies the Zoning Administrator in writing. Special use permits expire in one (1) year unless implemented on the site. See Sections 17-207 of the Zoning Ordinance for additional information on Special Use Permits.